

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARBI SEMIANI,

Plaintiff,

vs.

UNITED STATES OF AMERICA, US GOV
DOS, US Consul. Consular affairs legal
adviser; US DOJ, USAO FBI Legal Attache;
US DHS USCIS, USCIS VSC; and
CALIFORNIAN SUP. COURT, with Clerk's
Office;

Defendants.

8:22CV220

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis. [Filing No. 17](#). Plaintiff filed a Notice of Appeal, [Filing No. 16](#), on March 6, 2023. Plaintiff appeals from the Court's Memorandum and Order and Judgment dated December 30, 2022,¹ [Filing Nos. 13 & 14](#), in which the Court dismissed this matter with prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in

¹ The Court's Memorandum and Order and Judgment were returned to the Court as undeliverable on January 24, 2023, see [Filing No. 15](#), and were resent to Plaintiff on January 25, 2023, after the Clerk of Court determined the label printing program did not print the country on the label and was the cause of Plaintiff not receiving mailings. See Docket Sheet.

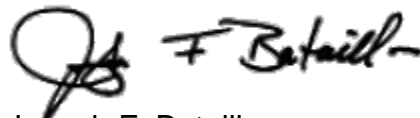
forma pauperis and states in writing its reasons for the certification or finding

The Court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 17](#), is granted.

Dated this 9th day of March, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge